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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,029	03/02/2004	Paritosh Jayant Dhawale	141202 (553-1449)	1373
45436 7590 06/11/2009 DEAN D. SMALL THE SMALL PATENT LAW GROUP LLP 225 S. MERAMEC, STE. 725T ST. LOUIS, MO 63105				
EXAMINER BOR, HELENE CATHERINE				
ART UNIT 3768		PAPER NUMBER		
NOTIFICATION DATE 06/11/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@splglaw.com

Office Action Summary

Application No.

10/792,029

Applicant(s)

DHAWALE ET AL.

Examiner

HELENE BOR

Art Unit

3768

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 and 69-102 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) 66-68 is/are allowed.
6) ☒ Claim(s) 1-65 and 69-102 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/03/2009 has been entered.

Claim Objections

3. Claim 61 is objected to because of the following informalities: "to the plurality of Pet imaging system" should be -- to the plurality of PET imaging system--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The rejection of Claims 1-6, 8, 10-11, 15-23, 29-31, 41, 45, 46, 48, 50, 54 & 65 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and further in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1) is hereby maintained.
5. The rejection of Claims 5 & 19 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1) and further in view of

Satyamurthy (Satyamurthy, N. et al. "Electric Generators for the Production of the Positron-Emitter Labeled Radiopharmaceuticals: Where Would PET Be Without Them?" *Clinical Positron Imaging*. Vol. 5, No. 5: 233-253, 1999) is hereby maintained.

6. The rejection of Claims 7, 21, 26, 27-29, 31, 42, 47 & 57 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1) and further in view of Critchlow'930 et al. (US Patent No. 6,520,930 B2) is hereby maintained.

7. The rejection of Claim 30 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Critchlow'930 et al. (US Patent No. 6,520,930 B2) and further in view of Satyamurthy (Satyamurthy, N. et al. "Electric Generators for the Production of the Positron-Emitter Labeled Radiopharmaceuticals: Where Would PET Be Without Them?" *Clinical Positron Imaging*. Vol. 5, No. 5: 233-253, 1999) is hereby maintained.

8. The rejection of Claims 9, 12-13, 35, 36, 38, 43, 49, 51, 54, 56, 58, 61-63, 65, 70-77, 79 & 80 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1) and further in view of Tamaki'1989 (Tamaki et al., Value of Rest-Stress Myocardial Positron Tomography Using Nitrogen-13 Ammonia for the Preoperative Prediction of Reversible Asynergy, pp. 1302-1310, Journal of Nuclear Medicine, vol. 30, No. 8, Aug. 1989) is hereby maintained.

9. The rejection of Claims 33, 32, 37 & 57 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Critchlow'930 et al. (US Patent No. 6,520,930 B2) and further in view of Tamaki'1989 is hereby maintained.

10. The rejection of Claims 14, 25, 39, 44, 52, 53, 59, 60, 64, 69 & 78 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Tamaki'1989 (Tamaki et al., Value of Rest-Stress Myocardial Positron Tomography Using Nitrogen-13 Ammonia for the Preoperative Prediction of Reversible Asynergy, pp. 1302-1310, Journal of Nuclear Medicine, vol. 30, No. 8, Aug. 1989) and further in view of Kroll'869 et al. (US Patent Application No. 2005/0288869 A1) is hereby maintained.

11. The rejection of Claim 34 & 86-102 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Tamaki'1989, in view of Critchlow'930 et al. (US Patent No. 6,520,930 B2) and further in view of Kroll'869 et al. (US Patent Application No. 2005/0288869 A1) is hereby maintained.

12. The rejection of Claims 81-83 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), and further in view of Haines et al. (US Patent No. 6,529,692) is hereby maintained.

13. The rejection of Claims 84 & 85 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Tamaki'1989 and further in view of Tuttle (EP 0542565 A1) is hereby maintained.

Allowable Subject Matter

14. Claim 66-68 allowed. The Examiner notes that in regards to the physical delivery of the radiopharmaceutical, the prior art fails to disclose such features.

Response to Arguments

15. Applicant's arguments filed 04/03/2009 have been fully considered but they are not persuasive. The Applicant submitted the arguments that none of the references applies teach or suggest to convey any type of information regarding the dispensing station over a LAN. The Examiner respectfully disagrees. As Reilly'463 teaches remote or electronic computer control and Hamadeh teaches the benefits of a computer network [LAN] for interfacing with the imaging equipment to control the imaging equipment directly to increase accuracy and avoid multiple data entry points (Page 2, Para 0017-0018 & 0020). The Examiner maintains that the combination is obvious to one of ordinary skill in the art. The Applicant submits the argument that Hamadeh is about transmitting patient and patient specific procedural information to a hospital information system or picture archive and communication system and that Hamadeh does not teach about a multi dose dispensing station or its connection to a LAN. The Examiner contends that the purpose of Hamadeh was to make up for the deficiencies in Reilly with regard to the LAN and that the combination of the references read on the

claims. The Applicant submitted arguments that it would not have been obvious to mount wheels on the system of Reilly'463. The Examiner respectfully disagrees. The system of Reilly'463 could be mounted on wheels and moved when no radioactive material is within the tubes or within the device. The Examiner notes there is nothing within the claims for a method of transporting the dispensing system between PETs or the method of moving the dispensing unit with radioactive material inside through hospital hallways. The Examiner contends that it would be obvious to one of ordinary skill in the art to mount a medical device on wheel to increase the ease of portability with the medical device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENE BOR whose telephone number is (571)272-2947. The examiner can normally be reached on M-T 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. B./
Examiner, Art Unit 3768

/Eric F Winakur/
Primary Examiner, Art Unit 3768